

05-08-02

CPA/1600

# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original and a duplicate for fee processing  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:  
 DUPLICATE



Address to:  
**Commissioner of Patents  
B x CPA  
Washington, D.C. 20231**

CPA  
Sent 5/24/02

Attorney Docket No. of Prior Application	175912 E-074-99/3
First Named Inventor	BOYD, Michael R.
Examiner Name	PARKIN, J.
Group Art Unit	1648
Express Mail Label No.	EL64354573US

This is a request for a  continuation or  divisional application under 37 CFR 1.53(d) (continued prosecution application (CPA)) of prior application number 09/427,873 filed on October 27, 1999, entitled "METHOD OF USING CYANOVIRINS TO INHIBIT VIRAL INFECTION."

#### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either (1) complete as defined by 37 CFR 1.51(b) or (2) the national stage of an international application in compliance with 37 USC 371. Effective May 29, 2000, a CPA may only be filed in a utility or plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See Changes to Application Examination and Provisional Application Practice, Final Rule 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000); 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the application under 35 USC 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or information concerning, the other application or applications in the file jacket.

**35 USC 120 STATEMENT:** No reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 USC 120 and to every application assigned the application number identified in such request; 37 CFR 1.78(a).

1.  Enter the unentered amendment previously filed on January 7, 2002 under 37 CFR 1.16 in the prior nonprovisional application.
2.  A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a.  **DELETE** the following inventor(s) named in the prior nonprovisional application:
  - b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power of attorney or authorization of agent is enclosed.
5.  An Information Disclosure Statement (IDS) is enclosed, along with:
  - a.  Form PTO-1449
  - b.  Copies of Listed Documents
6.  Applicant claims small entity status. See 37 CFR 1.27.

#### APPLICATION FEES

BASIC FEE				\$ 710.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	7 - 20 =	0	x \$18.00	\$ 0.00	
Independent Claims	1 - 3 =	0	x \$80.00	\$ 0.00	
<input type="checkbox"/> Multiple Dependent Claims(s) if applicable			+ \$270.00	\$	
Subtotal of application fees =				\$710.00	
Reduction by 50% for filing by small entity =				(\$ 0.00)	

#### Extension Fees

<input checked="" type="checkbox"/> A three-month extension of time under 37 CFR 1.136 is requested.	\$ 920.00
<input type="checkbox"/> An extension for one month has already been secured and the fee paid therefor of \$110.00 is deducted from the total fee due for the total amount of extension now requested.	
<input type="checkbox"/> No petition for an extension of time is necessary; to the extent that such petition is deemed necessary, a petition for a sufficient extension of time to render the present submission timely is requested. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.	
<input type="checkbox"/>	
Subtotal of extension fees =	\$ 920.00
	<b>TOTAL FEE =</b> \$1,630.00

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01 FC:131 740.00 C:  
02 FC:117 520.00 C:

TECH CENTER 1600/2000

MAY 13 2002

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## CPA REQUEST TRANSMITTAL

Application No.	09/427,873
Attorney Docket No.	175912/
E-074-99/3	

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 12-1216:

- a.  Filing fee \$710.00 plus Extension Fee (1.17(a)(1)) \$920.00 = TOTAL FEE \$1,630.00.
- b.  Any additional fees required under 37 CFR 1.16.
- c.  Fees required under 37 CFR 1.17.

8.  Suspension of action on the above-identified application is requested under 37 CFR 1.103 for a period of months. (Period of suspension shall not exceed 3 months; fee under 37 CFR 1.17(i) is enclosed.)

9.  A check in the amount of \$ is enclosed.

10. Also enclosed:

- a.  Receipt for Facsimile Transmitted CPA
- b.  Return Receipt Postcard (Should be specifically itemized)
- c.  Other: Communication

**NOTE:** The prior application's correspondence address will carry over to this CPA unless a new correspondence address is provided below.

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## 11. CORRESPONDENCE ADDRESS

Customer Number: 23460

**23460**

PATENT TRADEMARK OFFICE

Leydig, Voit & Mayer, Ltd.  
Two Prudential Plaza, Suite 4900  
180 North Stetson  
Chicago, Illinois 60601-6780  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

## 12. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name	Heather R. Kissling, Reg. No. 45,790	
Signature		
Date	May 6, 2002	

## Certification Under 37 CFR 1.10

I hereby certify that this Continued Prosecution Application (CPA) Request Transmittal and all accompanying documents are being deposited with the United States Postal Service "Express Mail Post Office To Addressee" Service under 37 CFR 1.10 on the date indicated below and is addressed to: Commissioner for Patents, Box CPA, Washington, D.C. 20231.

Frances Sanchez		May 6, 2002
Name of Person Signing	Signature	Date



#14  
Recon  
PATENT 5/23/02  
Attorney Docket No. 175912  
E-074-99/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Boyd

Application No. 09/427,873

Filed: October 27, 1999

For: METHOD OF USING CYANOVIRINS  
TO INHIBIT VIRAL INFECTION

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MAY 13 2002

Art Unit: 1648

Examiner: J. Parkin

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COMMUNICATION

Commissioner for Patents  
Washington, D.C. 20231

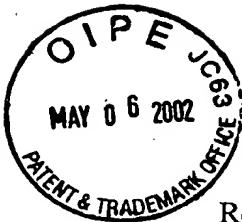
Dear Sir:

Applicant wishes to thank Examiner Parkin for the courtesy of the telephonic interview of May 3, 2002. Applicant is most appreciative of the Examiner's time in discussing the Amendment of January 7, 2002, and the matters set forth in the Advisory Action of April 23, 2002, with Applicant's representative, Heather R. Kissling.

In an effort to advance prosecution of the instant application, Applicant respectfully requests notification by the Examiner upon receipt of the Continued Prosecution Application Request submitted herewith to schedule a telephonic interview.

In addition, Applicant notes for the record that the Office has required that a three-month extension of time fee accompany the Continued Prosecution Application Request, as indicated by box (a) checked on the Advisory Action. Applicant believes this to be an error in that a reply to the final Office Action was submitted within two months of the mailing date of the final Office Action. Therefore, in accordance with M.P.E.P. § 706.07(f), the period of reply should expire on the mailing date of the Advisory Action, i.e., April 23, 2002, thereby requiring a one-month extension of time fee to be submitted herewith for entry of the Continued Prosecution Application Request. Applicant requests reconsideration of the requirement of a three-month extension of time fee.

In re Appln. of Boyd  
Application No. 09/427,873



Respectfully submitted,

  
Heather R. Kissling, Reg. No. 45,790  
One of the Agents for Applicant  
LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza, Suite 4900  
180 North Stetson  
Chicago, Illinois 60601-6780  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

Date: May 6, 2002